

**Elder Law and Disability Rights Section [ELDRS] of the State Bar of Michigan**  
**Section Meeting – September 12, 2020**  
**Webinar / Conference Call Only**

Attendance by Phone: Christine Caswell\*, Susan Chalgian\*, Howard Collens\*, Raymond Harris\*, Catherine Jacobs\*, Sanford Mall\*, Robert Mannor\*, Erin Mortenson\*, Amanda Murray\*, Theresa Orlaske-Rich\*, Kelly Quardokus\*, Jackie Rygiel-Sprague\*, Christopher Smith\*, Terri Winegarden\*, Todd Tennis, Paul Sturgul, Harley Manela, Antonia Harbin-Lamb, Charlotte Shoup, Jim Steward, Karen Willard, Katie Aguilar, Sara Whalen, David Lucas, Beth Swagman, Maria Messina Wiersma, Charlie Ofstein, David Sprague, Bradley Geller, Sean Ziadeh and Krystal Casey Danielak

[\*ELDRS Council Member]

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Chair Kelly Quardokus called the meeting at approximately 10:01 AM.

**[A] ROUTINE BUSINESS**

1. Attendance / Roll Call – those in attendance introduced themselves.
2. Agenda- Howard Collens moved and Christine Caswell seconded to adopt the Agenda. Motion passed.
3. Minutes- Terri Winegarden moved and Howard Collens seconded to adopt the minutes. Motion passed.

Treasurer’s Report- Kelly Quardokus discussed the most recent Treasurer’s report. Membership numbers went up by about 2000 this year.

**[B] COMMITTEE REPORTS**

**1. ELDRS Conferences**

- a. ELDRS ANNUAL FALL (MINI- VIRTUAL) CONFERENCE - Susan Chalgian announced that a Zoom event will take place on October 8, 2020, from 11 AM to 3 PM. Theresa Orlaske-Rich and Sanford Mall seconded to spend up to \$300.00 to pay for zoom or another platform for this meeting. There was a discussion about having the 2021 Fall Conference in Bay City and the 2022 Fall Conference at Crystal Mountain
- b. ELDRS Spring Conference 2021 - Harley Manela intends to have a digital event for ELDRS on March 19, 2021. Christine Caswell moved, and Robert Mannor seconded to allow Harley Manela to save the date for the Spring 2022 conference with the Inn at St. John’s.

**2. Disability Rights Committee** – Christine Caswell discussed the activities of the Disability Rights Committee.

**3. Legislative Committee -**

- a. Todd Tennis gave the Capitol Services Legislative Report
- b. Remote Witness and Notarizing Legislation Update - Howard Collens and Todd Tennis discussed the Section’s efforts to get legislation passed.
- c. (c) HB 5758\*/ 5759 Powers of Attorney/ Rep. Wozniak \*- Christopher Smith

and Erin Mortenson discussed Representative Wozniak's bills regarding powers of attorney. After a lengthy discussion and test votes, Christopher Smith and the Legislative Committee recommended that the Section support HB 5758.

Erin Mortenson moved, and Christine Caswell seconded a motion to "Support" HB 5768 (Representative Wozniak) regarding a process to ensure that third parties honor valid powers of attorney.

The following Council Members voted in favor of the Motion: Christine Caswell, Susan Chalgian, Howard Collens, Raymond Harris, Catherine Jacobs, Sanford Mall, Robert Mannor, Erin Mortenson, Amanda Murray, Theresa Orlaske-Rich, Kelly Quardokus, Jackie Rygiel-Sprague, Christopher Smith, and Terri Winegarden. There were no votes opposed or abstaining. Motion passes.

- d. Governor's Task Force on Elder Abuse Update- Christopher Smith reported on the task force.

**4. Litigation** – No report, but Chair Raymond Harris asked if anyone has relevant legal issues to let him know.

**5. Membership and Education** - Maria Messina Weirsma discussed the ELDRS Exchange

**6. Administrative** – Kelly Quardokus reported on the Section's efforts to address proposed Medicaid policy changes.

- a. (a) Proposed letter (by David Shaltz) to DHHS/MSA Director Kate Massey regarding transfers by the applicant or the applicant's spouse to a trust will be evaluated AS divestment. This does not apply to transfers to a special needs trust for a spouse.

**ACTION ITEM:**

Kelly Quardokus moved, and Erin Mortenson seconded a motion to send a letter to DHHS/MSA Director Kate Massey regarding the unlawful proposed changes stated in BEM 405 regarding transfers to an applicant or spouse's trust as Divestment.

The following Council Members voted in favor of the Motion: Christine Caswell, Susan Chalgian, Howard Collens, Shannon DeWall, Raymond Harris, Angela Hentkowski, Greg Kish, Sanford Mall, Robert Mannor, Erin Mortenson, Amanda Murray, Theresa Orlaske-Rich, Kelly Quardokus, Jackie Rygiel-Sprague, Christopher Smith, Terri Winegarden. There were no votes opposed of abstaining. Motion passes.

**ACTION ITEM:**

Sanford Mall moved and Howard Collens seconded a motion to send a letter directly to CMS / Gene Coffey and request an investigation regarding the unlawful proposed changes stated in BEM 405 regarding transfers to an applicant or spouse's trust as Divestment.

The following Council Members voted in favor of the Motion: Christine

Caswell, Susan Chalgian, Howard Collens, Shannon DeWall, Raymond Harris, Angela Hentkowski, Greg Kish, Sanford Mall, Robert Mannor, Erin Mortenson, Amanda Murray, Theresa Orlaske-Rich, Kelly Quardokus, Jackie Rygiel-Sprague, Christopher Smith, Terri Winegarten. There were no votes opposed of abstaining. Motion passes.

**7. Administrative** – Discussion and changes to Bylaws will be discussed next year.

**DISCUSSION QUESTION:**

\*New Nursing Home Visitation Rules / DHHS Order - Effective Monday September 15, 2020

**REMINDER UPCOMING MEETING SCHEDULE DATES**

**OCTOBER 8, 2020 MINI - VIRTUAL FALL CONFERENCE- ANNUAL MEETING**

**Elder Law and Disability Rights Section [ELDRS]of**

**the State Bar of Michigan Section Meeting**

**August 8, 2020**

**Webinar / Conference Call Only.**

Meeting adjourned at approximately 12:09 PM.